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| AMR, |) | AGBCA No. 2001-161-1 |
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| Appellant |) | |
| |) | |
| Representing the Appellant: |) | |
| |) | |
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| |) | |
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| |) | |
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DECISION OF THE BOARD OF CONTRACT APPEALS

November 13, 2001

Before HOURY, POLLACK, and VERGILIO, Administrative Judges.

Opinion for the Board by Administrative Judge POLLACK.

This appeal arose under Contract No. 53-9SCP-8-4K-44, between the Forest Service (FS), U.S. Department of Agriculture (USDA) and AMR of Eureka, California (Appellant). The contract was for grapple piling services in the Plumas National Forest, Feather River Ranger District, California.

The dispute in the appeal centered on the accuracy of acreage on the Portwine unit of the forest and whether certain areas were included within the work area. The Appellant claimed a differing site condition, as well as other problems due to the slope on a number of units. The FS denied that Appellant was entitled to any additional compensation, noting that the acreage was not in error and pointing out that the measurement of the site was proper using the Global Positioning System. The FS also pointed out that the FS does not allow mechanical work on slopes exceeding 35 percent as it is unsafe and any acreage exceeding that percentage encountered in any of the units was excluded.

The appeal was docketed on July 19, 2001. The parties were directed to proceed with the pleadings.

By letter of August 14, 2001, the Board was advised that the appeal had been settled. Enclosed with the letter was a Request for Dismissal signed by the parties and dated August 6 and 8, respectively. The request called for the dismissal with prejudice.

DECISION

The appeal is dismissed with prejudice.

HOWARD A. POLLACK
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D. C.
November 13, 2001